

**Memorandum of
National Environmental Policy Act (NEPA) Compliance under the Federal Emergency
Management Agency (FEMA)
Final Programmatic Environmental Assessment
Devils Lake Region, North Dakota (PEA)
May 11, 2006**

Disaster: FEMA-DR-1597-ND

Applicant: Nelson County

Project Location: T151, R61, Sections 7/18 and 8/17

Project Worksheet: PW-1001

Project Name: Upgrade 34th Street

FEMA, Nelson County, and the North Dakota Department of Emergency Services (NDDDES) propose to upgrade a segment of roadway located in T151N and R61W along the section 7/18 and 8/17 section lines to provide access to a homestead located in northeast quarter of Section 17. The current section line is used for field access and is considered an extension of 34th Street. The proposed upgrade involves the construction of a roadway to restore all weather emergency access to the isolated homestead. Access had been provided via County Road 23 which is flooded by Stump Lake to the north and south of the homestead. The upgraded segment will be 8750 feet long and 20 feet wide (18-foot travel surface). It will follow existing ground contours and, except for the last 725 feet, will be above elevation 1460.

FEMA has completed its environmental review, including consultation and coordination with the following Federal and State agencies:

U. S. Fish and Wildlife Service: Written concurrence of no effect to T&E Species, avoid wetlands

U. S. Army Corps of Engineers: Written concurrence no navigable waters involved, no 404 Permit required.

Natural Resource Conservation Service: Verbal concurrence that FPPA does not apply because conversion has already occurred.

North Dakota State Water Commission: No impacts, not in floodplain, letter received.

North Dakota Department of Wildlife: No comment.

North Dakota Department of Health: Written concurrence of no impact.

State Historical Society of North Dakota: Verbal concurrence of no effect to historic properties.

Based upon this review FEMA has determined that the impacts of the proposed project to receive FEMA funding is fully and accurately described in the Final Programmatic Environmental assessment for the Devils Lake Region, North Dakota dated May 11, 2006. This memorandum documents that FEMA has reviewed the proposed action, alternatives, and potential direct, indirect and cumulative impacts and found them to be accurately described by the PEA and its associated FONSI. No further documentation is required to comply with NEPA.

The applicant is required to incorporate the mitigation measures presented in Appendix A into the proposed project as applicable.

Preparer: Paul Seeley

Title: Environmental specialist, FEMA Region VIII

Date: May 24, 2006

Appendix A Construction and Environmental Disturbance Mitigation Requirements

The applicant is responsible for applying for and securing all federal and/or state permits required to construct and operate the project.

If any archeological or historic artifacts, including human remains are encountered during construction activities, the applicant must stop all work immediately and contact the State Department of Emergency Services, State Historic Preservation Officer, and FEMA's Regional Environmental Officer.

All necessary measures must be taken to minimize fugitive dust emissions created during construction activities. Any complaints that may arise are to be dealt with in an efficient and effective manner.

Care is to be taken during construction activities near water of the state to minimize adverse effects on a water body. This includes minimal disturbance of stream beds and banks to prevent excess siltation, and replacement and revegetation of any disturbed area as soon as possible after work had been completed. Caution must also be taken to prevent spills of oil and grease that may reach the receiving water from equipment maintenance, and or the handling of fuels on the site. Guidelines for minimizing degradation to water ways during construction are attached.

Projects disturbing one or more acres are required to have a permit to discharge storm water runoff until the site is stabilized by the reestablishment of vegetation or other permanent cover. Further information on the storm water permit is available at the Department of Health website or by calling the division of water quality. Also cities may impose additional requirements and/or specific BMPs for construction affecting their storm drainage system.

All necessary measures must be taken to minimize the disturbance of any asbestos-containing materials and to prevent any asbestos fiber release episodes. Any facility that is to be renovated or demolished must be inspected for asbestos. Notification of the Departments Division of Air Quality is required before any demolition. Removal of any friable asbestos containing material must be accomplished in accordance with section 33-15-13-02 of the North Dakota air pollution control rules.

Noise from construction activities may have adverse effects on persons who live near the construction area. Noise levels can be minimized by ensuring that construction equipment is equipped with a recommended muffler in good working order. Noise effects can also be minimized by ensuring that construction activities are not conducted during early morning or late evening hours.

Many buildings constructed prior to 1978 have interior and exterior surfaces coated with lead-based paint. The Office of Housing and Urban Development (HUD), as well as other Federal Housing Authorities have implemented requirements for reducing exposure to lead from lead-based paint. If the building is under the control of a Federal Agency, these materials must be handled according to their requirements which may include the use of properly trained individuals for removal and disposal. If the building is not under the control of a Federal Agency, the lead-based paint should be properly handled to reduce or prevent exposing workers and building occupants to lead.

All solid waste material must be managed and transported in accordance with the state's solid and hazardous waste rules. Appropriate efforts to reduce, reuse and/or recycle waste materials are strongly

encouraged. As, appropriate, segregation of inert waste from non-inert waste can generally reduce the cost of waste management.

The North Dakota Department of Health has indicated that the alternatives are consistent with the State implementation Plan for the Control of Air pollution for the State of North Dakota (North Dakota Department of Health, January 6, 2006).